

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 184  
Committee Substitute Favorable 3/9/21

Short Title: Support Private Property Rights.

(Public)

Sponsors:

Referred to:

March 2, 2021

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE INCLUSION OF REAL PROPERTY ON A  
COMPREHENSIVE TRANSPORTATION PLAN IS NOT A REQUIRED DISCLOSURE  
OR A MATERIAL FACT FOR THE PURPOSES OF DISCLOSURE FOR REAL ESTATE  
TRANSACTIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 9 of Chapter 39 of the General Statutes is amended by adding  
a new section to read:

**"§ 39-51. Inclusion of real property in a comprehensive transportation plan not a material  
fact.**

(a) For purposes of this section, the term "financially constrained" is as defined in 23  
C.F.R. § 450.104.

(b) The mere fact that real property, or any portion thereof, is included in a  
comprehensive transportation plan that is not financially constrained adopted pursuant to  
G.S. 136-66.2 or G.S. 136-212, or in accordance with 23 U.S.C. §§ 134 or 135, shall not, standing  
alone, be deemed material. This subsection shall apply to all of the following:

(1) Offering real property for conveyance, lease, or exchange.

(2) Any other real estate transaction, including those listed in G.S. 47E-1(1)-(4).

A party to the conveyance, lease, exchange, or transaction, or an agent of any said party, shall  
not knowingly make a false statement regarding the property's inclusion on any transportation  
plan."

**SECTION 2.** G.S. 47E-4 reads as rewritten:

**"§ 47E-4. Required disclosures.**

...

(b3) The inclusion of real property in a comprehensive transportation plan that is not  
financially constrained adopted pursuant to G.S. 136-66.2 or G.S. 136-212, or in accordance with  
23 U.S.C. §§ 134 or 135, shall not be considered a required disclosure as provided in this section,  
provided, however, that no person subject to this Chapter, or an agent of a person subject to this  
Chapter, shall knowingly make a false statement regarding any such fact. For purposes of this  
subsection, the term "financially constrained" is as defined in 23 C.F.R. § 450.104.

...."

**SECTION 3.** This act becomes effective October 1, 2021, and applies to claims for  
relief filed on or after that date.

